

No. 20030

Vol. 3366

United States Court of Appeals

FOR THE NINTH CIRCUIT

CALIFORNIA CITIZENS BAND ASSOCIATION,
INCORPORATED, a Corporation,
Petitioner.

VS.

THE UNITED STATES OF AMERICA and FED-
ERAL COMMUNICATIONS COMMISSION,
Respondents.

PETITION FOR REHEARING

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APR 10 1967

FILED

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WILLIAM B. LUCK, CLERK

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To The Honorable

Frederick G. Hamley, Circuit Judge

Walter Ely, Circuit Judge

J. Warren Madden, Judge of the Court of Claims

CALIFORNIA CITIZENS BAND ASSOCIATION, INCORPORATED, a corporation, Petitioner, petitions for a re-

hearing to consider the decision entered in this action on March 7, 1967 on the following grounds:

1. Permits rule changes to be made without affording the statutory notice required.

2. Permits modification of existing radio licenses without a public evidentiary hearing being accorded to those licensees who requested the same.

3. Permits new rule changes not supported by a preponderance of disclosed evidence.

4. Permits respondent commission to use evidence in its rule making procedure which is not disclosed to the public or the courts.

5. Allows the court to be placed in such a position in respect to frequency limitations that it states it "called for consideration of highly technical factors. We are in no position to rule that the Commission acted arbitrarily and capriciously in making that selection." Court had no evidence before it, other than the Commission's statement.

6. Permits respondent Commission to enact rules which are in the nature of a Bill of Attainder.

7. Permits the enactment of rules which unduly censor and impair the First Amendment right of freedom of speech.

Dated: ^{APRIL} ~~October~~ 5, 1967

Respectfully submitted,

SEA AND HANNA
Attorneys for Petitioner.

The undersigned counsel certifies that this petition is not interposed for delay and that in his judgment it is well-founded.

DONALD M. SEA